

Remarks:

Reconsideration of the application is requested.

Claims 1-10 and 15-24 are now in the application. Claims 1, 3-5, and 10 have been amended. Claims 11-14 have been cancelled. Claims 15-24 have been added.

Support for the subject matter of newly added claims 15-24 can be found in the claims as originally filed and on page 4, lines 13-15, of the specification.

In item 2 on page 2 of the above-identified Office action, the proposed drawings filed on March 26, 2003 have been disapproved. The Examiner referred to the *Advisory action*, which states:

It is not clear as to what Applicant is attempting to illustrate or describe with the proposed drawing changes of March 21, 2003. For example, with respect to the proposed amended Figure 4, to what does numeral 12 refer? To what does numeral 2 refer? Does numeral 2 truly reference "inner contour"? To what does numeral 5 refer? Does numeral 5 truly reference "border region"? To what does numeral 1 refer? Does numeral 1 truly reference "first half shell"? See Figure 1 versus Figure 4, for example. Does numeral 3 depict a "latching cylinder"? Why two of reference numeral 3 in Figure 4? What does each reference numeral 3 represent? It is not clear as to what, exactly, reference numerals 6 and 7 depict. In viewing Figures 1, 2, and proposed Figure 4 it is not apparent that reference numeral 6 depicts a free space slightly larger than the "inner contour". Or, that reference numeral 7 necessarily depicts a free space slightly larger than the "latching cylinder". If Figure 4 is showing a cross section through a latching

element of connected first and second half shells how does free space 6 fall within the latching cylinder?

The Examiner's comments have been noted and Fig. 4 was appropriately amended. The reference numeral 12 refers to an adjacent inner wall of a cavity. Figs. 1-3 have been amended to show the location of the sectional view of Fig. 4.

In item 3 on page 2 of the Office action, the drawings have been objected to as not showing the reference numeral 15 mentioned in the description under 37 CFR 1.84(p)(5). The reference number 15 is shown in the bottom left corner of Fig. 4.

In item 4, bridging pages 2 and 3 of the Office action, the drawings have been objected to as not showing the feature "said heat-expansible element ... retained around said inner contour" of the invention specified in the claims under 37 CFR 1.83(a). The Examiner is directed to Fig. 1 and Fig. 2, which in juxtaposition or superposed, show that the heat-expansible element is retained around the inner contour of half-shell 1.

In item 6 on page 3 of the Office action, claims 5 and 12-14 have been rejected as being indefinite under 35 U.S.C. § 112, first paragraph.

In item 8 on page 4 of the Office action, claims 5 and 12-14 have been rejected as being indefinite under 35 U.S.C. § 112, second paragraph.

The Examiner's comments have been considered and the claims have been re-written (for convenience, claims 11-12 have been cancelled and re-entered, re-written as new claims 15-16).

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, first and second paragraphs. Should the Examiner find any further objectionable items, Counsel would appreciate a telephone call during which the matter may be resolved. The above-noted changes to the claims are provided solely for the purpose of satisfying formal requirements or are made solely for cosmetic reasons to clarify the claims. The changes are neither provided for overcoming the prior art nor do they narrow the scope of the claim(s) for any reason related to the statutory requirements for a patent.

In item 10 on page 6 of the Office action, claims 1-2, 4-5, and 7-14 have been rejected as being anticipated by *Miura et al.* (US 4,369,608) under 35 U.S.C. § 102.

In item 11 on page 6 of the Office action, claims 1-9 and 11-14 have been rejected as being anticipated by *Hull et al.* (US 5,419,606) under 35 U.S.C. § 102.

In item 13 on page 7 of the Office action, claims 1-14 have been rejected as being obvious over *Hull et al.* in view of any of *Steward et al.* (US 4,211,590), *Tusim et al.* (US 6,213,540), *Doerer* (US 4,330,584), or *Wycech* (US 6,287,666) under 35 U.S.C. § 103.

The rejections have been considered and the claims have been amended to recite that the heat-expansible element has an inner circumference substantially corresponding to the inner contour of one of the half-shells, in an effort to even more clearly define the invention of the instant application.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 (similarly claim 15) as amended calls for, inter alia:

A configuration for sealing or sound-proofing a cavity, comprising:

a retaining device having two separately produced half-shells, one of said half-shells having an inner contour, said half-shells being latched to one another using a latching device with said half-shells disposed at a

distance from one another forming a interspace between said half-shells except at said inner contour; and

a heat-expansible element constructed as a contoured ring-like plate with an inner circumference substantially corresponding to said inner contour, said heat-expansible element being retained in said interspace.

In item 10 on page 6 of the Office action, the Examiner stated that:

Miura et al. shows, Fig. 4, retaining device formed by two half-shells 12/14 and 16/11 "latched to one another" via a "latching device", col. 2, line 38 and col. 3, line 16, with an expansible shaped element 15, (or 5 as shown in Fig. 2B), of a contoured ring-like plate inserted within the retaining device and disposed around an inner contour of the device. The expansible element expanding under the influence of heat, col. 3, lines 12-14.

The Examiner is correct that the above-noted passages of *Miura et al.* disclose "heat-expansible material". The disclosure in col. 2, lines 53-55 is in the context of the first embodiment illustrated in Figs. 2A and 2B. However, in Figs. 2A and 2B the "heat-expansible material" is **not** constructed as a contoured **ring-like** plate with an inner circumference. This can be clearly seen from Figs. 2A and 2B re-produced below:

FIG.2A

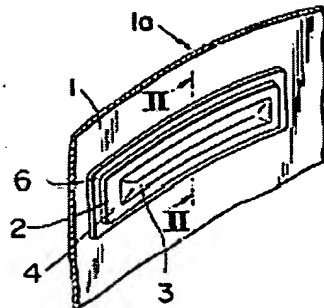
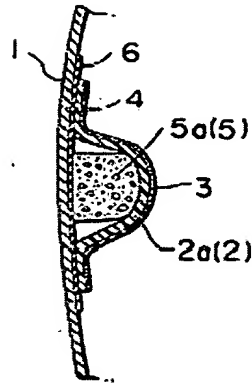
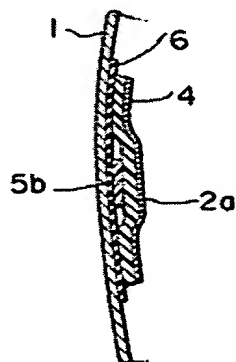


FIG.2B



Similarly, the disclosure in col. 3, lines 12-13 is in the context of producing a door panel wherein "[a]s shown in FIG. 3, a strip-like starting material 5b which can be foamed when heated is bonded to the film 6." As can be clearly seen from Fig. 3 re-produced below, the "starting material 5b" is **not** contoured **ring-like** (with an inner circumference).

FIG. 3



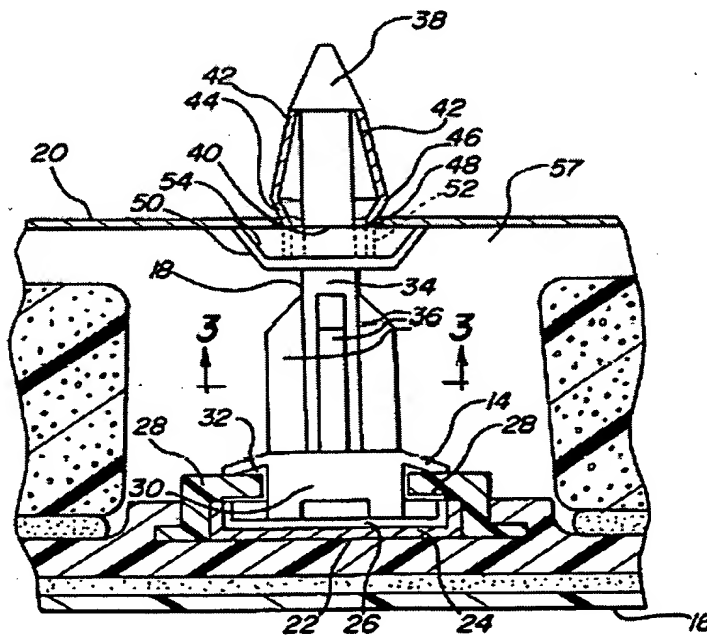
The second embodiment illustrated in Figs. 4A and 4B shows a "lattice-like projection" (col. 3, lines 55-56). However, in this embodiment a foamed resin is used.

Consequently, it is believed that *Miura et al.* do not disclose a heat-expansible element constructed as a contoured ring-like plate with an inner circumference, as recited in the claims.

In item 11 on pages 6-7 of the Office action, the Examiner stated that:

Hull et al. shows, Fig. 2, retaining device formed by two half-shells 20 and 16 with an expansible shaped element, (seen along either side of latching means 18), of a contoured ring-like plate inserted within the retaining device and disposed around an inner contour of the device. Latching devices 40/48 and 18 are disposed on inner surfaces, ("outer surface" or "outer border"?), of the half shells with element 18 possessing a mushroom-shape at 38. Latching cylinder being at 40/48.

Fig. 2 of Hull et al. is re-produced below:



As can be seen, the latching means 18 is not surrounded by a heat expansible shaped element, but by empty space. The material bordering on the empty space, which not labeled by any reference numeral, appears **already** expanded, and therefore, cannot be equated with a heat-expansible element, i.e. with a material that is able to expand and will expand under heat.

Hull et al. contain no disclosure regarding expandable or heat-expandable elements. Consequently, *Hull et al.* do not disclose a heat-expansible element as recited in the claims.

Clearly, neither *Miura et al.* nor *Hull et al.* show the features recited in claims 1 and 15 of the instant application. Therefore, the invention as recited in claims 1 and 15 of the instant application is believed not to be anticipated by either *Miura et al.* or *Hull et al.*.

One underlying inventive concept of the invention of the instant application is to use a retaining device containing heat-expansible material. The heat-expansible material, as stated on page 4, lines 12-20, of the instant application, "is only provided wherever it is actually required for sealing purposes and, with a predetermined flow direction, can also expand without obstruction in the direction of the hollow-body wall which is to be sealed, while the material flow to the

center of the half-shell is bounded by the inner contour provided on one half-shell." The advantages of the recited retaining device are disclosed on page 4, lines 1-10, of the instant application.

Considering the deficiencies of the primary reference *Hull et al.*, it is believed not to be necessary at this stage to address the secondary references *Steward et al.*, *Tusim et al.*, *Doerer*, and *Wycech*, and whether or not there is sufficient suggestion or motivation with a reasonable expectation of success for modifying or combining the references. Therefore, the invention as recited in claims 1 and 15 of the instant application is believed not to be obvious over *Hull et al.* in view of any of *Steward et al.*, *Tusim et al.*, *Doerer*, or *Wycech*.

It is accordingly believed to be clear that neither *Miura et al.* nor *Hull et al.* show the features of claims 1 and 15, and that *Hull et al.* in view of any of *Steward et al.* or *Tusim et al.* or *Doerer* or *Wycech* do not suggest the features of claims 1 and 15. Claims 1 and 15 are, therefore, believed to be patentable over the art and since claims 2-10 are ultimately dependent on claim 1 and claims 16-24 are ultimately dependent on claim 15, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-10 and 15-24 are solicited.

If an extension of time is required, petition for extension is herewith made.

Please charge any fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,



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